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Letter dated 11 March 2003 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

At a time when the United Nations Security Council is considering the report of the Secretary-General of 6 March 2003 (S/2003/257) concerning the peace process on the border conflict between Eritrea and Ethiopia, I have the honour to forward a letter addressed to you from Mr. Ali Said Abdella, Minister for Foreign Affairs of Eritrea, which I received today, 11 March 2003 (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Ahmed Tahir **Baduri**
Ambassador
Permanent Representative

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Annex to the letter dated 11 March 2003 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Letter dated 11 March 2003 from the Minister for Foreign Affairs of Eritrea addressed to the President of the Security Council

Allow me to bring to your attention, and through you to the Security Council, recent developments that may unravel the whole peace process and plunge my country into another needless war at this propitious time when the Security Council is about to convene a meeting to consider the extension of the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE).

You will have been informed of the litany of obstructions that Ethiopia has wilfully perpetrated in the past six months to impede the preparatory fieldwork of demarcation in violation of the Demarcation Directions of the Eritrea-Ethiopia Boundary Commission. The violations range from the provocative threat of shooting down the Boundary Commission's helicopter carrying foreign private contractors and Commission personnel, to blunt refusal to issue flight permits in breach of its obligations under the Demarcation Directions as well as relevant Security Council resolutions. Ethiopia is also placing the lives of Eritrean civilians and UNMEE personnel at grave risk by laying fresh landmines in the Temporary Security Zone either directly or through armed surrogates that it is infiltrating across the borders.

Distressing and unacceptable as these acts are, the developments are much more grave. The disturbing fact is that Ethiopia has publicly stated, through its highest authorities, that it will not accept the delimitation decision of the Boundary Commission.

Indeed, in spite of the transparent attempt to coach it in confusing language, the words of the Prime Minister (and the Minister for Foreign Affairs), that "if Ethiopia's concerns were not properly addressed, Ethiopia might eventually reject the demarcation-related decisions of the Commission" leave no doubt as to their real intentions. The fact is the determination-related decisions of the Boundary Commission are a corollary of, and cannot be decoupled from, the delimitation decision. Ethiopia is thus, in practice, rejecting the delimitation decision of the Boundary Commission. Indeed, the Boundary Commission, in its report, has expressed, in very measured language, disquiet about Ethiopian demands that "appear, despite protestations to the contrary, to undermine not only the April Decision but the peace process as a whole" (see S/2003/257, annex I, para. 5).

The implications and consequences of this position cannot be downplayed. In practice, Ethiopia is rejecting the sanctity of colonial boundaries, which is a cardinal principle of the Organization of African Unity (and the African Union) and one of the main pillars of the Framework Agreement.

Ethiopia's threat to reject the delimitation decision further constitutes a serious violation of the Algiers Peace Agreement (A/55/686-S/2000/1183, annex), which stipulates, explicitly, in article 4.15 that the decisions of the Boundary Commission are "final and binding". It must be pointed out here that the Commission's decision did not give either party everything it wanted and in particular gave substantial Eritrean territory to Ethiopia in the various portions of the boundary. But both

parties are bound by it, and there can be no question now of it being reopened, which would amount to unravelling the whole process. Eritrea has cooperated so far in the implementation of the decision and will continue to do so, but there can be no question of any revision of the 13 April 2002 Decision (S/2002/423, annex), which is binding on both parties.

Ethiopia's provocative public pronouncement that it may eventually reject the Boundary Commission's decision, coupled with its recent legal submission to the Boundary Commission to reopen the litigation, is thus a recipe for conflict and war. You will agree with me that this poses a serious threat to regional peace and security, which warrants preventive measures by the Security Council. In addition, the United Nations, together with the Organization of African Unity (now the African Union), is a guarantor of the Algiers Peace Agreements and is bound to take, in accordance with paragraph 14 (a) of the Algiers Peace Agreement on Cessation of Hostilities (S/2000/601, annex), necessary measures on the basis of Chapter VII of the Charter of the United Nations on the party or parties that violate the Algiers Peace Agreements.

The international community has invested enormous resources for the peacemaking operations in Eritrea and Ethiopia. Not only has it deployed an international peacekeeping force that has so far cost close to half a billion dollars, but United Nations Member States have also contributed generously to the Trust Fund established to carry out the delimitation and demarcation processes. Eritrea is profoundly grateful for the goodwill and support of the international community. These endeavours and the efforts of the United Nations Mission in Ethiopia and Eritrea, which has been a resounding success so far, should not be squandered at the last hour because of Ethiopia's desire to flaunt international law in defiance of the resolutions of the Security Council. In the event, it is imperative that the Council send a firm and unequivocal message to Ethiopia; telling it in clear terms to abide by the Decision of the Boundary Commission and to cooperate faithfully in its implementation or face serious consequences.

In conclusion, let me again emphasize the perils of laxity at this critical time. I say this because of our experience in the year 2000 when the international community missed the clear signals coming out of Ethiopia and failed to prevent the war. Second-guessing Ethiopia or attributing its unacceptable behaviour to posturing or domestic considerations cannot, thus, be justifiable this time round. Moreover, it can only set a dangerous precedent, as it will prompt others to flaunt binding arbitrations under suitable pretexts.

(*Signed*) Ali Said **Abdella**
Minister of Foreign Affairs
The State of Eritrea